REMARKS

Claim Status

Claims 1 – 59 are pending in the present application. No additional claims fee is believed to be due. Claims 1 and 9 – 15 have been amended. Claims 8 and 16 – 25 have been canceled. Claims 55 – 59 have been withdrawn as a result of an earlier restriction requirement. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 101

Claims 1 – 11, 14, 15, and 16 – 25 have been rejected under 35 U.S.C. § 101. The Office Action states that the "edible composition, as claimed, has the same characteristics as those found naturally, for example in blackberries, which contain at least zinc and manganese (and which may be consumed by pet birds to meet their caloric and nutritional requirements, thus acting like an oral medicament against malnutrition), and therefore does not constitute patentable subject matter." Claim 1 has been amended. Claims 16 – 25 have been canceled. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1 – 15, 17 – 25, 27 – 36, 38 – 47 and 49 – 54 have been rejected under 35 U.S.C. § 112, Second Paragraph, as "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

With regards to Claim 1, the Office Action states the term "adapted" is indefinite. Applicants respectfully refer to the specification at page 5, lines 23 – 25 which states that the "compositions herein are adapted for use by a companion animal. In this respect, as will be well understood by the ordinarily skilled artisan, the primary use of the compositions described herein is for companion animal use and the compositions are therefore formulated as such." Applicants submit that one of skill, upon reading the written description, would readily understand the language of the claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

With regards to Claims 2, 4, 5, 29, 31, 35, 36, 39, 42, 46, 47, 50 and 54 the Office Action states that the term "at least about" is indefinite. The use of the term "about" permits some leeway in the amount of a required constituent in a claim. *Chemical Separation Technology, Inc. v. U.S.*, 51 Fed. Cl. 771, 63 U.S.P.Q.2d 1114, 1123, 1124 (2002). The term "about" should be given its ordinary and accepted meaning of "approximately" unless the patentee clearly redefines "about" in the specification. *Merck & Co., Inc. v. Teva Pharmaceuticals USA, Inc.*, 395 F.3d 1364, 73 U.S.P.Q.2d 1641, 1648 (Fed. Cir. 2005). The use of the term " at least about," therefore, is clear. The term "at least about" is similar in meaning to " at least approximately" and the phrase "at least about" provides for the component to be present at a level that is at least approximately the level specified. Applicants submit that one of skill, upon reading the written description, would readily understand the language of the claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

With regards to Claims 15, 27, 38 and 49 the Office Action states that the term "substantially" is indefinite. Applicants respectfully refer to the specification at page 12, lines 9 – 12 which states that "[o]ptionally, the compositions herein are substantially free of rawhide. The term "substantially free of rawhide" means that the referenced composition comprises less than about 1% rawhide, preferably less than about 0.5%, and most preferably less than about 0.2% rawhide, all by weight of the composition. Applicants submit that one of skill, upon reading the written description, would readily understand the language of the claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 102 Over Christiansen

Claims 1 – 4 have been rejected under 35 U.S.C. § 102 as being anticipated by Christiansen et al. (US Patent No. 6,159,530)("Christiansen"). Applicants respectfully traverse this rejection.

Christiansen is directed to a "composition and method of making a processed cereal piece fortified with a metal amino acid chelate." *Abstract.* Christiansen, however, fails to teach each and every element of the claims. Claim 1 is directed to, *inter alia*, an edible composition comprising an amount of a soluble mineral component, wherein the soluble mineral component comprises two or more minerals selected from the group

consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and a source of protein and a further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament, wherein the edible composition is adapted for use by a companion animal. As best understood by Applicants, Christiansen fails to teach an edible composition comprising a phosphate component. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 102 Over Lacombe

Claim 1 has been rejected under 35 U.S.C. § 102 as being anticipated by Lacombe et al. (US Patent No. 6,277,435)("Lacombe"). Applicants respectfully traverse this rejection.

Lacombe discloses that a "pet food composition is provided for domesticated cats and dogs which contains from about 15 to 60 weight percent of kosher meat." *Abstract.* Lacombe, however, fails to teach each and every element of the claims. Claim 1 is directed to, *inter alia*, an edible composition comprising an amount of a soluble mineral component, wherein the soluble mineral component comprises two or more minerals selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and a source of protein and a further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament, wherein the edible composition is adapted for use by a companion animal. As best understood by Applicants, Lacombe fails to teach an edible composition comprising a phosphate component. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Lacombe and Merck

Claims 1, 2 and 5 – 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lacombe in view of The Merck Veterinary Manual 8th Edition as copyrighted in 1998 ("Merck"). Applicants respectfully traverse this rejection.

Claim 1 is directed to, *inter alia*, an edible composition comprising an amount of a soluble mineral component, wherein the soluble mineral component comprises two or more minerals selected from the group consisting of zinc, manganese, tin, copper, and

mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and a source of protein and a further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament, wherein the edible composition is adapted for use by a companion animal. Neither Lacombe nor Merck disclose the use of a phosphate component in an edible composition such as claimed in the current application. A combination of Lacombe and Merck fails to provide one of ordinary skill with a reasonable expectation of success in arriving at the claims of the current application. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Lacombe and Merck

and further in view of Scaglione

Claims 8 – 12, 14, and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lacombe, Merck and further in view of Scaglione et al. (US Patent No. 5,000,943)("Scaglione"). Applicants respectfully traverse this rejection.

Claim 8 has been canceled and claims 9 – 12, 14 and 15 ultimately depend from Claim 1. Scaglione discloses a "[p]rocess for preparing dog biscuits which contain at least one inorganic pyrophosphate salt." *Abstract*. The Office Action states that one of ordinary skill would have been motivated to combine Lacombe, Merck and Scaglione "because objective of the '435 prior art is to provide a noticeable improvement in pet health and the '943 prior art teaches that pyrophosphates are anti-tarter, anti-plaque or anti-calculus agents." With regards to pet health, Lacombe states that the "pet food is highly palatable with a high digestibility factor, promoting the pet's health (more nutrients absorbed with less efforts eliminating)." Col. 4, lines 17 – 19. Lacombe, however, makes no mention of the use of the pet food for reducing or preventing tartar accumulation. Furthermore, as discussed above, Lacombe and Merck fail to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising a phosphate component. Scaglione fails to disclose the use of or the desire to use a mineral component comprising two or more minerals selected from the group consisting of zinc, manganese, tin and copper in the dog biscuits. Additionally, Scaglione fails to disclose the use of or the desire to use such minerals in combination with the pyrophosphate component. The combination of Lacombe, Merck and Scaglione fails to provide one of ordinary skill in the art with a reasonable expectation of success in

arriving at an edible composition comprising an amount of a soluble mineral component, wherein the soluble mineral component comprises two or more minerals selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and a source of protein and a further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament, wherein the edible composition is adapted for use by a companion animal. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Lacombe, Merck, and Scaglione and further in view of Hodge

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lacombe, Merck and Scaglione and further in view of Hodge et al. (WO 01/17364)("Hodge"). Applicants respectfully traverse this rejection.

Claim 13 ultimately depends from Claim 1. Hodge discloses "packaged food products which contain specific combinations of functional additives aimed at addressing specific health indicators, in particular flatulence, gastro-intestinal health, stress and immune system responsiveness, in pet animals. The Office Action states that one of ordinary skill would have been motivated to combine Lacombe, Merck, Scaglione and Hodge "because the '364 prior art teaches that water content present in a product determines whether it is a dry biscuit or a meaty chew." As discussed above, Lacombe, Merck and Scaglione fail to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising a phosphate component. Hodge fails to disclose the use of or the desire to use a mineral component comprising two or more minerals selected from the group consisting of zinc, manganese, tin and copper in the dog biscuits. Additionally, Hodge fails to disclose the use of or the desire to use such minerals in combination with a phosphate component. The combination of Lacombe, Merck, Scaglione and Hodge fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at an edible composition comprising an amount of a soluble mineral component, wherein the soluble mineral component comprises two or more minerals selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and a source of protein and a further amount of a phosphate component,

wherein the further amount is an effective amount for use as an oral medicament, wherein the edible composition is adapted for use by a companion animal. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Bernotavicz, Brunner, Rivoche and Singer

Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernotovicz (US Patent No. 4,247,562), Brunner (US Publication No. 2001/0002272), Rivoche (US Patent No. 2,859,115) and Singer et al. (US Patent No. 5,171,603)("Singer"). Applicants respectfully traverse this rejection. Claim 16 has been canceled rendering this rejection moot.

Rejection Under 35 U.S.C. § 103(a) Over Bernotovicz, Brunner, Rivoche, Singer and Merck

Claims 17 – 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernotovicz, Brunner, Rivoche, Singer and Merck. Applicants respectfully traverse this rejection. Claims 17 – 20 have been canceled rendering this rejection moot.

Rejection Under 35 U.S.C. § 103(a) Over Bernotovicz, Brunner, Rivoche, Singer, Merck, Lacombe, and Knapp

Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernotovicz, Brunner, Rivoche, Singer, Merck, Lacombe, and Knapp et al (US Patent No. 3,422,182)("Knapp"). Applicants respectfully traverse this rejection. Claim 21 has been canceled rendering this rejection moot.

Rejection Under 35 U.S.C. § 103(a) Over Bernotovicz, Brunner, Rivoche, Singer, Merck, Lacombe, Knapp, Henderson, Log-Negentien Beleggings and Lawley

Claims 22 – 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernotovicz, Brunner, Rivoche, Singer, Merck, Lacombe, Knapp, Henderson (US Patent No. 5,364,845), Log-Negentien Beleggings (ZA 9,905,557) and Lawley (US Patent No. 5,919,499). Applicants respectfully traverse this rejection. Claims 22 – 25 have been canceled rendering this rejection moot.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod and Simone

Claim 26 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod (US Publication No. 2002/0119224) and Simone et al (US Patent No. 5,296,209)("Simone"). Applicants respectfully traverse this rejection.

Axelrod is directed to a "vitamin and/or mineral and/or herbal enriched molded animal chew toy." *Abstract*. Simone is directed to an "edible pet chew product having a flexible cellular matrix in which is contained a cellulosic fibrous material such as corn cob fractions having a mechanical cleaning function, which when chewed by the pet, effects a reduction in plaque, stain and tartar on the pet's teeth." *Abstract*. The Office Action states that one of ordinary skill would have been motivated to combine Axelrod and Simone "because the '244 prior art recognizes a need for inclusion of vitamin and mineral supplements to ensure proper health and prevent malnutrition and the '209 prior art teaches that inclusion of pyrophosphate salts in chews prevents tarter." With regards to pet health, Axelrod states that the molded resin based edible chew is "enriched with vitamins/minerals and/or herbs to contribute to the overall nutritional needs/requirements of an animal." Para. [0009]. Axelrod, however, makes no mention of the use of the pet food for reducing or preventing tartar accumulation. Furthermore, Axelrod fails to disclose the use of a phosphate component. Simone fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in the dog chew. Additionally, Simone fails to disclose the use of or the desire to use such minerals in combination with the pyrophosphate component. The combination of Axelrod and Simone fails to provide one of ordinary skill in the art a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible

composition is a companion animal-chew. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Simone and Koller

Claims 27 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Simone and Koller (US Patent No. 6,060,100). Applicants respectfully traverse this rejection.

Koller is directed to a:

> pet chew treat made from the gastro-intestinal organs of a bison wherein the gastro-intestinal organs are cleaned of any fat, cut into strips, arranged on a drying rack, smoked in a smokehouse at preferably about 110°F., and then maintained at a temperature of preferably between about 110°F. and about 150°F. until the strips reach about 2% to about 20% moisture.

Abstract. Claims 27 and 28 ultimately depend from Claim 26. The combination of Axelrod, Simone and Koller, however, fails to provide one of ordinary skill with a reasonable expectation of success in arriving at the current claims. As discussed above, the combination of Axelrod and Simone fails to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Koller fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper. Additionally, Koller fails to disclose the use of or the desire to use such minerals in combination with a phosphate component. The combination of Axelrod, Simone and Koller fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Simone, Koller, and Merck

Claims 29 – 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Simone, Koller and Merck. Applicants respectfully traverse this rejection.

Claims 29 – 31 ultimately depend from Claim 26. As discussed above, the combination of Axelrod, Simone and Koller fails to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Merck fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in combination with a phosphate component. The combination of Axelrod, Simone, Koller and Merck fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Simone, Koller, Merck, Lacombe and Knapp

Claims 32 – 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Simone, Koller, Merck, Lacombe and Knapp. Applicants respectfully traverse this rejection.

Knapp is directed to the "veterinary treatment of skin diseases of canines, and particularly the treatment of demodectic mange, summer eczema, and similar skin conditions." Col. 1, lines 12 – 15. The combination of Axelrod, Simone, Koller, Merck, Lacombe, and Knapp fails to provide one of ordinary skill with a reasonable expectation of success in arriving at the current claims.

Claims 32 – 36 ultimately depend from Claim 26. As discussed above, the combination of Axelrod, Simone, Koller and Merck fails to provide one of ordinary skill

with a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Lacombe fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in combination with a phosphate component. As best understood by applicants, Knapp fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in combination with a phosphate component. The combination of Axelrod, Simone, Koller, Merck, Lacombe and Knapp fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod and Spanier

Claim 37 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod in view of Spanier et al. (US Patent No. 5,011,679)("Spanier"). Applicants respectfully traverse this rejection.

Spanier is directed to a

> Process for preparing raw hide having a coating containing, at least one inorganic pyrophosphate compound, comprising: (a) subjecting raw hide to a liquefied coating material containing at least one inorganic pyrophosphate compound, thereby, forming a coating of such liquefied coating material on the raw hide; and (b) drying the raw hide having a coating containing said at least one inorganic pyrophosphate compound.

Abstract.

The combination of Axelrod and Spanier fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the claims of the current application. The Office Action states that one of ordinary skill would have been motivated to combine Axelrod and Spanier "because the '244 prior art recognizes a

need for inclusion of vitamin and mineral supplements to ensure proper health and prevent malnutrition and the '679 prior art teaches that pyrophosphate coatings on chews prevent tartar and cavities." With regards to pet health, Axelrod states that the molded resin based edible chew is "enriched with vitamins/minerals and/or herbs to contribute to the overall nutritional needs/requirements of an animal." Para. [0009]. Axelrod, however, makes no mention of the use of the pet food for reducing or preventing tartar accumulation. Furthermore, Axelrod fails to mention the use of a phosphate component. Spanier fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in the dog chew. Additionally, Spanier fails to disclose the use of or the desire to use such minerals in combination with the pyrophosphate component. The combination of Axelrod and Spanier fail to provide one of ordinary skill in the art a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising a mineral selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Spanier, and Koller

Claim 38 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Spanier and Koller. Applicants respectfully traverse this rejection.

Claim 38 ultimately depends from Claim 37. The combination of Axelrod, Spanier and Koller, however, fails to provide one of ordinary skill with a reasonable expectation of success in arriving at the current claims. As discussed above, the combination of Axelrod and Spanier fails to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising an

effective amount of a mineral component comprising a mineral selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Koller fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper. Additionally, Koller fails to disclose the use of or the desire to use such minerals in combination with a phosphate component. The combination of Axelrod, Spanier and Koller fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Spanier, Koller and Merck

Claims 39 – 42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Spanier, Koller and Merck. Applicants respectfully traverse this rejection.

Claims 39 – 42 ultimately depend from Claim 37. As discussed above, the combination of Axelrod, Spanier and Koller fails to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising a mineral selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Merck fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in combination with a phosphate component. The combination of Axelrod, Spanier, Koller and Merck fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Spanier, Koller, Merck, Lacombe and Knapp

Claims 43 – 47 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Spanier, Koller, Merck, Lacombe and Knapp. Applicants respectfully traverse this rejection.

Claims 43 – 47 ultimately depend from Claim 37. As discussed above, the combination of Axelrod, Spanier, Koller and Merck fails to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising a mineral selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Lacombe fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in combination with a phosphate component. As best understood by applicants, Knapp fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in combination with a phosphate component. The combination of Axelrod, Spanier, Koller, Merck, Lacombe and Knapp fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod and Spanier

Claim 48 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod and Spanier. Applicants respectfully traverse this rejection.

The combination of Axelrod and Spanier fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the claims of the current application. The Office Action states that one of ordinary skill would have been

motivated to combine Axelrod and Spanier "because the '244 prior art recognizes a need for inclusion of vitamin and mineral supplements to ensure proper health and prevent malnutrition and the '679 prior art teaches that pyrophosphate coatings on chews prevent tartar and cavities." With regards to pet health, Axelrod states that the molded resin based edible chew is "enriched with vitamins/minerals and/or herbs to contribute to the overall nutritional needs/requirements of an animal." Para. [0009]. Axelrod, however, makes no mention of the use of the pet food for reducing or preventing tartar accumulation. Furthermore, Axelrod fails to mention the use of a phosphate component. Spanier fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in the dog chew. Additionally, Spanier fails to disclose the use of or the desire to use such minerals in combination with the pyrophosphate component. The combination of Axelrod and Spanier fail to provide one of ordinary skill in the art a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising a mineral selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Spanier, and Koller

Claim 49 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Spanier and Koller. Applicants respectfully traverse this rejection.

Claim 49 ultimately depends from Claim 48. The combination of Axelrod, Spanier and Koller, however, fails to provide one of ordinary skill with a reasonable expectation of success in arriving at the current claims. As discussed above, the combination of Axelrod and Spanier fails to provide one of ordinary skill with a

reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising a mineral selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Koller fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper. Additionally, Koller fails to disclose the use of or the desire to use such minerals in combination with a phosphate component. The combination of Axelrod, Spanier and Koller fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Spanier, Koller, and Merck

Claim 50 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Spanier, Koller and Merck. Applicants respectfully traverse this rejection.

Claims 50 ultimately depends from Claim 48. As discussed above, the combination of Axelrod, Spanier and Koller fails to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising a mineral selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Merck fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in combination with a phosphate component. The combination of Axelrod, Spanier, Koller and Merck fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Axelrod, Spanier, Koller, Merck and Lacombe

Claims 51 – 54 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Axelrod, Spanier, Koller, Merck and Lacombe. Applicants respectfully traverse this rejection.

Claims 51 – 54 ultimately depend from Claim 48. As discussed above, the combination of Axelrod, Spanier, Koller and Merck fails to provide one of ordinary skill with a reasonable expectation of success in arriving at an edible composition comprising an effective amount of a mineral component comprising a mineral selected from the group consisting of zinc, manganese, tin, copper, and mixtures thereof, wherein the amount is an effective amount for use as an oral medicament, and wherein at least a portion of the mineral component is coated on the surface of the edible composition; further amount of a phosphate component, wherein the further amount is an effective amount for use as an oral medicament; wherein the edible composition is a companion animal chew. Lacombe fails to disclose the use of or the desire to use a mineral component comprising one or more minerals selected from the group consisting of zinc, manganese, tin and copper in combination with a phosphate component. The combination of Axelrod, Spanier, Koller, Merck, and Lacombe fails to provide one of ordinary skill in the art with a reasonable expectation of success in arriving at the current claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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